

Et 375
3.N 38
1996/1
copy 1

COMMISSIONERS
FREDERICK A. HOEFER, II, 6TH DISTRICT
CHAIRMAN
R. MARSHALL TALLEY, 5TH DISTRICT
VICE CHAIRMAN
CYNTHIA GRAHAM HOWE, 1ST DISTRICT
EDWARD E. DURYEA, 2ND DISTRICT



COMMISSIONERS
ROGER J. HARTMAN, 3RD DISTRICT
RAYMOND B. SMITH, 4TH DISTRICT
RICHARD V. DAVIS, MEMBER AT LARGE
FRANK B. WASHINGTON, MEMBER AT LARGE
H. BOWEN WOODRUFF, MEMBER AT LARGE

GARY R. BAKER
EXECUTIVE DIRECTOR

State of South Carolina State Ethics Commission

(803) 253-4192
FAX (803) 253-7539
5000 Thurmond Mall, Suite 250
P.O. Box 11926
Columbia, S.C. 29211

December - January, 1996

NEWSLETTER

96-003

Survey Results

Many of the surveys mailed in the last newsletter have been returned. The majority of these surveys have indicated that our agency has been doing a good job in informing the public on new ethics policies. Some of the surveys did suggest changes that could be made and these changes have been noted. All surveys which have been received have been discussed with our Commissioners.

Thank you to all who responded to our survey.

Lobbyists and Lobbyist's Principal Registrations

All lobbyists and lobbyist's principals were required to reregister by January 5. All new lobbyist registrations are to be submitted within 15 days after being employed, retained, or appointed as a lobbyist. Lobbyist's principals must register within 15 days after employing, retaining, or appointing a lobbyist. There are 274 lobbyists and 321 lobbyist's principals currently registered. If you are interested in registering as a lobbyist or lobbyist's principal, please contact us for the proper forms.

Statement of Economic Interests Form Filers

All Statement of Economic Interests Forms were mailed

to current filers at the beginning of January. If you are required to file and have not received your form please contact us. All forms must be submitted by April 15 to avoid any penalties. If you are unsure of your status as a filer, please call our office. Reminder cards will be mailed around March 30 to all anticipated filers who have not filed by that date.

Updated Manuals Available

The State Ethics Commission now has updated manuals available for lobbyists and lobbyist's principals and for candidates for public office. Each manual discusses who must file, what is to be filed, when forms are filed, and where to submit forms. Each manual also discusses current laws and prohibitions.

If you are interested in obtaining one of these *free* manuals, please call us with your request.

Annual Report Available

Each year, the Ethics Commission prepares an annual report. This annual report, contains all the advisory opinions issued for the past fiscal year, complaints resolved during the fiscal year, and our annual budget. These reports are currently available at *no charge*. If you would like to have a copy, please call us with your request. Copies are limited.

Advisory Opinions on Diskette

Many people have taken the advantage of purchasing all the advisory opinions on diskette. The diskette includes all advisory opinions issued since 1992 and an index of the opinions. The cost is \$5 per disk or \$15 for all opinions (3 disks). If you would like to purchase these diskettes, please submit your request and money to the State Ethics Commission. Payment must be received before request(s) can be honored.

1991 Ethics Reform Act Available

Copies of the 1991 Ethics Reform Act are available in booklet form or may be purchased on diskette. The booklet costs \$2.50 and the diskette costs \$5. If you would be interested in purchasing the Ethics Act either in booklet form or on diskette, please send your request and money to the State Ethics Commission. Again, payment must be received before request(s) can be honored.

Updated Registered Lobbyist/Lobbyist's Principal Lists

Lists of all lobbyist and lobbyist's principals registered for 1996 are now available. The lobbyist list includes the lobbyist's name, whom they represent, lobbyist address, city, state, ZIP code, and phone number. The lobbyist's principal list includes the lobbyist's principal's name, the lobbyist's name, the lobbyist's principal's address, city, state, ZIP code, and phone number. Each list is available in hard copy form for a cost of \$2 per list or you may purchase the list(s) on diskette for \$5. Please send all requests with money to the State Ethics Commission. Payment must be received before request(s) can be honored.

Commission Meeting Scheduled

The next Commission meeting will be held on March 20. A time has not yet been scheduled so please call our office for meeting time.

Training Sessions Offered

If your agency would like to know more about the Ethics Reform Act and the laws governing SC officeholders and lobbyists, we are offering training sessions to anyone who may be interested. Training sessions are available to candidates for public office on filing proper forms, filing in a timely manner, and reporting all campaign finance activity. Training is also available for lobbyists and lobbyist's principals who may be unsure as to the prohibitions that accompany their status as a lobbyist. If you are an election official or party official, training sessions are available to update you on the current forms used by our agency and current laws which went into effect with the adoption of the 1991 Ethics Reform Act.

If you are interested in participating in or would like to host a training program for your agency, please call our office to set up an appointment.

Pre-clearance, Informal and Formal Advisory Opinions

The Commission will issue and publish formal advisory opinions on the requirements of the Act based on real or hypothetical circumstances. A formal opinion is binding on the commission in any subsequent charges concerning the person who requested the opinion and who acted in good faith reliance on it unless material facts were omitted or misstated by the requestor or the opinion is amended or revoked. The identities of the parties involved may be withheld from publication if requested. Opinions will be issued only for situations arising in the future rather than acts or conduct which arose in the past and where there is no other legal action pending.

The Commission will also provide a written informal opinion in response to a written request. An informal opinion is the opinion of staff based on prior published opinions; however, an informal opinion is not binding. Generally, an informal opinion will not be released if confidentiality is requested. The Commission will not issue an informal opinion about prior conduct of the requestor, matters in litigation, or matters which in the

opinion of staff are more appropriately resolved by a formal opinion of the full Commission. Informal opinions are reserved for prospective application to a real or hypothetical statement of facts. The relevancy of any Commission opinion is entirely dependent on full disclosure of all material facts.

Requests for formal or informal opinions may be sent to Kelly J. Golden, General Counsel, Post Office Box 11926, Columbia, SC 29211.

Tips for Employees

Ethics Legislation and Referendum

The Ethics Reform Act of 1991 regulates public officeholders' conduct associated with election campaigns and referendums. Please keep the following in mind while a referendum is pending.

- ▲ Employees may answer *informational questions* about the referendum whether on or off public property. The key is not to attempt to convince people to vote yes or no. It's OK to explain the needs of the agency involved in the referendum.
- ▲ You *may not* use or authorize the use of public funds, property, equipment, materials, office buildings, or on-duty time to attempt to influence the outcome of the referendum.
- ▲ You *may* make use of incidental time and materials to prepare an informational newsletter or materials, conduct public meetings, and respond to the media or citizen's inquiry as long as there is no attempt to influence the outcome of the referendum.
- ▲ You *may not* attempt to influence anyone to support or oppose the referendum nor may public officeholders distribute materials supporting or opposing the referendum while on public property or while "on the clock."
- ▲ While on your own time and off public property you are free to speak as you please. But, if you or a group advocate the passage or defeat of a

referendum by spending or incurring obligations in the amount of \$500 or more, you must *register as a committee* with the State Ethics Commission.

Complaints Resolved

On December 14, 1995, the State Ethics Commission issued a Consent Order in which W. O. "Fender" Brown of Gaffney, SC, admitted violating the Ethics Reform Act by using public equipment in a November, 1994 Gaffney Board of Public Works election campaign. The Commission ordered Mr. Brown to reimburse the Board of Public Works for the costs of using the equipment and warned Mr. Brown against using public equipment in future campaigns.

On January 17, 1996, the State Ethics Commission issued a Consent Order in which Ms. Pansy Ridgeway, the Mayor of Manning, SC, admitted five (5) counts of violating the Ethics Reform Act. Ms. Ridgeway was issued a public reprimand, and fined \$500 for participating in a Manning City Council action in which she had an economic interest, and for failing to disclose on her Statement of Economic Interests forms for the past four years the personal use of a city-owned vehicle assigned to her.

Advisory Opinions

SEC AO 96-006

January 17, 1996

SUBJECT: Registered lobbyists may forward improperly addressed invitations to state legislative campaign fundraising events to the lobbyist's principal.

SUMMARY: From time to time, lobbyists inadvertently receive invitations to fundraising events for members of the SC General Assembly. This occurs when campaign staffs use the wrong mailing list (i.e. the lobbyist list) to generate the address list for invitees. The lobbyist may forward the invitation to the lobbyist's principal without comment on the merits or demerits of the invitation. This activity is ministerial and permitted as long as the lobbyist makes no comments as to the merits or demerits of the invitation.

State Holiday Closings

All state government agencies will be closed on Monday, February 19 for observation of President's Day. We want to remind everyone that our office hours are from 8:00 am - 5:00 pm, Monday through Friday, except on state holidays.

What would you do...?

We are starting a new segment in our newsletter which will give examples of different situations faced by public members and public employees. Each example is based on a real circumstance and the outcome that should be made by the public member or public employee. So, test *your* knowledge and ethics. What would you do in the situation, and would it be ethical?

- Q. You are a city council member who has been asked to speak at a city businessmen's luncheon meeting to discuss future city plans and development. In this meeting you will also discuss the budget proposed for the new year which may include a tax increase for city dwellers and businesses.

At the end of the meeting, the chairman hands you an honorarium check for \$200 "Thanking you for taking the time to come speak to our group." Would you be legally allowed to accept the check?

- A. No, you may not legally accept the check. The only reason you were invited was because of your status as a city councilperson. It is expected that you share your information gained as a public official. You may, however, accept reimbursement for mileage, parking, etc. at the fair market rate.

You may also receive a promotional item or educational item under \$10 in value, or you may be presented a personalized plaque of a value not to exceed \$150 in value.

"The right of the public to honest government and the interest of the government in securing this goal have been confirmed in every case as a legitimate and strong defense for conflict of interest and financial disclosure laws. All challenges have had to be measured against this public right." National Municipal League, (1979).

State Ethics Commission

P.O. BOX 11926
COLUMBIA, S.C. 29211

BULK RATE U.S. Postage PAID Columbia, S.C. 29201 PERMIT NO. 143

S. C. STATE LIBRARY

FEB 12 1996

STATE DOCUMENTS